

Message Text

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ACTION OES-05

INFO OCT-01 ISO-00 ACDA-05 CIAE-00 INR-07 IO-11 L-03

NSAE-00 NSC-05 EB-07 NRC-05 FEAE-00 DODE-00 SSO-00

NSCE-00 INRE-00 SP-02 EUR-12 NEA-10 EA-07 /080 W

----- 006606

O 181730Z FEB 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 7107

INFO AMEMBASSY ISLAMABAD IMMEDIATE

AMEMBASSY OTTAWA IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

USERDA GERMANTOWN IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 1271

EO 11652: GDS

TAGS: IAEA, TECH, PARM, FR, PK

SUBJECT: IAEA BOARD OF GOVERNORS MEETING: IAEA/France/PAKISTAN
SAFEGUARDS AGREEMENT

DEPT PASS IO/SCT AND OES FOR BENGELSDORF

REF: IAEA VIENNA 1075 (NOTAL) AND IAEA VIENNA 1213

1. IAEA BG DOCUMENT (GOV/1775) ISSUED FEBRUARY 16 CONTAINS
TEXT OF SUBJECT AGREEMENT (DISCUSSED PREVIOUS TELS)
AND COVERING MEMO BY DG, TEXT OF WHICH FOLLOWS BELOW:

QUOTE 1. THE GOVERNMENT OF FRANCE AND PAKISTAN ARE
CONCLUDING A CO-OPERATION AGREEMENT FOR THE CONSTRUCTION
OF A REPROCESSING PLANT IN PAKISTAN AND FOR THE
SUPPLY OF NUCLEAR MATERIAL, SPECIALIZED EQUIPMENT AND
TECHNOLOGICAL INFORMATION REQUIRED FOR THE DESIGN,
CONSTRUCTION AND START-UP OF THE PLANT.

QUOTE 2. THE CO-OPERATION AGREEMENT WAS INITIALED ON
23 JANUARY 1976, AND SHORTLY THEREAFTER THE GOVERNMENT
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MENTS JOINTLY REQUESTED THE AGENCY TO CONCLUDE WITH

THEM AN AGREEMENT PROVIDING FOR THE APPLICATION OF SAFEGUARDS TO THE PLANT AND TO OTHER ITEMS REFERRED TO IN THE CO-OPERATION AGREEMENT. A DRAFT OF SUCH AN AGREEMENT HAS ACCORDINGLY BEEN NEGOTIATED AND IS SET FORTH IN THE ANNEX HERETO.

QUOTE 3. THE SCOPE OF THE CO-OPERATION AGREEMENT IS SPECIFICALLY LIMITED TO THE CONSTRUCTION OF A SINGLE REPROCESSING PLANT. NO ITEM OTHER THAN TECHNOLOGICAL INFORMATION, CERTAIN NUCLEAR MATERIAL AND SPECIFIED EQUIPMENT PROVIDED IN CONNECTION WITH THE CONSTRUCTION OF THE PLANT IS TO BE TRANSFERRED FROM FRANCE TO PAKISTAN UNDER THE AGREEMENT. IT IS ALSO NOT FORE-SEEN THAT THERE WILL BE ANY TRANSFER OF SUCH ITEMS FROM PAKISTAN TO FRANCE. THE APPLICATION OF SAFE-GUARDS IN PAKISTAN UNDER THE DRAFT AGREEMENT TAKES ACCOUNT OF THESE ELEMENTS OF THE CO-OPERATION AGREEMENT AND OF ITS LIMITED SCOPE AS WELL AS OF THE FACT THAT THE TECHNOLOGICAL INFORMATION TO BE TRANS-FERRED UNDER THAT AGREEMENT IS CONFINED TO INFORMA-TION RELATING TO THE CONSTRUCTION AND OPERATION OF THAT PLANT.

QUOTE 4. IN MANY RESPECTS, THE DRAFT AGREEMENT CORRESPONDS IN SUBSTANCE WITH THE AGREEMENT CONCLUDED BETWEEN THE AGENCY, FRANCE AND THE REPUBLIC OF KOREA (INFCIRC/233). THERE IS NO PROVISION FOR AN INVENTORY OF ITEMS SUBJECT TO SAFEGUARDS WITH RESPECT TO FRANCE FOR THE REASONS STATED ABOVE.

QUOTE 5. IT WILL BE OBSERVED:

(A) THAT THE GOVERNMENT OF PAKISTAN UNDERTAKES, INTER ALIA, THAT ANY OTHER REPROCESSING FACILITY OR SPECIFIED EQUIPMENT FOR REPROCESSING DESIGNED, CONSTRUCTED OR

OPERATED ON THE BASIS OF OR BY THE USE OF RELEVANT TECHNOLOGICAL INFORMATION TRANSFERRED FROM FRANCE SHALL BE SUBJECT TO THE UNDERTAKING SET FORTH IN CONFIDENTIAL

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ARTICLE 2 OF THE DRAFT AGREEMENT; AND

(B) THAT PURSUANT TO ARTICLE 3, SAFEGUARDS WILL APPLY TO ANY SUCH ITEM. THE PROCEDURE FOR NOTIFYING THE AGENCY OF ANY SUCH FACILITY OR EQUIPMENT IS SET FORTH IN THE FIRST SENTENCE OF ARTICLE 5(C) OF THE DRAFT AGREEMENT AND IS SIMILAR TO THAT PROVIDED FOR IN THE AGREEMENT BETWEEN THE AGENCY, FRANCE, AND THE

REPUBLIC OF KOREA. THE UNDERTAKING IN ARTICLE 2 AND THE REQUIREMENTS FOR NOTIFICATION IN ARTICLE 5(C) WILL REMAIN BINDING AS LONG AS THE AGREEMENT ITSELF IS IN FORCE. THE DURATION OF THE AGREEMENT CORRESPONDS WITH THE PRINCIPLES STATED IN DOCUMENT GOV/1621. AFTER ITS TERMINATION, THE AGREEMENT IS FORTHWITH TO BE REINSTATED IF A REPROCESSING FACILITY OR SPECIFIED EQUIPMENT FOR REPROCESSING IS DESIGNED, CONSTRUCTED OR OPERATED WITH THE USE OF RELEVANT TECHNOLOGICAL INFORMATION TRANSFERRED FROM FRANCE.

QUOTE 6. IN ADDITION, ANY REPROCESSING FACILITY THAT USES THE SOLVENT EXTRACTION PROCESS AND ANY SPECIFIED EQUIPMENT FOR REPROCESSING DESIGNED, CONSTRUCTED OR OPERATED IN PAKISTAN WITHIN A SPECIFIED PERIOD OF YEARS WILL AUTOMATICALLY BE DEEMED TO HAVE BEEN DESIGNED, CONSTRUCTED OR OPERATED ON THE BASIS OF OR BY THE USE OF RELEVANT TECHNOLOGICAL INFORMATION TRANSFERRED FROM FRANCE. THE EXTENT OF THIS PERIOD IS TO BE AGREED BETWEEN THE TWO GOVERNMENTS AND THE AGENCY IS TO BE NOTIFIED ACCORDINGLY (SEE SECOND SENTENCE OF ARTICLE 5(B)).

QUOTE 7. IT WILL ALSO BE OBSERVED THAT THE AGENCY IS TO BE NOTIFIED UNDER ARTICLE 29 OF THE DRAFT AGREEMENT OF ANY AMENDMENT TO OR MODIFICATION OF THE CO-OPERATION AGREEMENT.

QUOTE 8. THE SECRETARIAT IS INFORMED THAT THE TARGET DATE FOR THE OPERATION OF THE REPROCESSING FACILITY IS 1980. IT IS NOT FORESEEN THAT THE AGENCY WOULD INCUR BEFORE 1980 ANY READILY IDENTIFIABLE

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ADDITIONAL COSTS IN IMPLEMENTING THE DRAFT AGREEMENT.
IN THE LIGHT OF INDICATIONS GIVEN TO THE
SECRETARIAT REGARDING THE CAPACITY OF THE PLANT AND THE
SCALE ON WHICH IT WILL BE OPERATED INITIALLY, THE
READILY IDENTIFIABLE COSTS THAT WILL BE INCURRED BY
THE AGENCY ARE ESTIMATED TO BE OF THE ORDER OF
\$95,000 A YEAR DURING THE FIRST YEAR OF OPERATION OF
THE FACILITY.

QUOTE RECOMMENDED ACTION BY THE BOARD

QUOTE 9. THE BOARD IS RECOMMENDED TO AUTHORIZE
THE DIRECTOR GENERAL TO CONCLUDE WITH THE
GOVERNMENTS OF FRANCE AND PAKISTAN AND SUBSEQUENTLY
TO IMPLEMENT THE PROPOSED SAFEGUARDS AGREEMENT OF

WHICH THE DRAFT IS ANNEXED. END QUOTE

2. FINAL VERSION OF ARTICLE 5(C) AGREED UPON BY
PARTIES CONCERNED READS AS FOLLOWS: QUOTE EITHER
THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN
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OR THE GOVERNMENT OF THE FRENCH REPUBLIC, AFTER
CONSULTATION WITH THE GOVERNMENT OF THE ISLAMIC
REPUBLIC OF PAKISTAN, SHALL INFORM THE AGENCY OF ANY
OTHER REPROCESSING FACILITY AND SPECIFIED EQUIPMENT
FOR REPROCESSING IN THE ISLAMIC REPUBLIC OF PAKISTAN
WHICH IS DESIGNED, CONSTRUCTED OR OPERATED ON THE
BASIS OF OR BY THE USE OF RELEVANT TECHNOLOGICAL
INFORMATION TRANSFERRED FROM THE FRENCH REPUBLIC.
WITHOUT LIMITING THE GENERALITY OF THE PRECEDING
SENTENCE, ANY REPROCESSING FACILITY USING SOLVENT
EXTRACTION, OR SPECIFIED EQUIPMENT FOR REPROCESSING
DESIGNED, CONSTRUCTED OR OPERATED IN THE ISLAMIC
REPUBLIC OF PAKISTAN WITHIN A PERIOD TO BE AGREED
UPON BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC
AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF
PAKISTAN AND TO BE COMMUNICATED TO THE AGENCY, SHALL
BE DEEMED TO BE DESIGNED, CONSTRUCTED OR OPERATED

ON THE BASIS OF OR BY THE USE OF RELEVANT TECHNOLOGICAL
INFORMATION TRANSFERRED FROM THE FRENCH REPUBLIC. END
QUOTE

3. COMMENT: SO FAR WE HAVE DETECTED VERY LITTLE SYMPATHY AMONG
VIENNA DELS FOR THIS SAFEGUARDS AGREEMENT, PRIMARILY IN VIEW OF
UNDERLYING SUPPLY ARRANGEMENT FOR WHICH IT IS TO
APPLY. SINCE THERE IS NO RPT NO APPARENT ECONOMIC
OR TECHNICAL JUSTIFICATION FOR SUCH REPROCESSING
PLANT, IT IS WIDELY ASSUMED THAT PLANT IS DESIRED
"FOR SOME OTHER PURPOSE". DILEMMA FACING BOARD IS
FACT THAT THIS SAFEGUARDS AGREEMENT CONTAINS PROVISIONS
SIMILAR TO OTHER AGREEMENTY ALREADY APPROVED BY
BG (FRANCE/ROK/IAEA AGREEMENT) OR TO
BE APPROVED BY BG (FRG/IAEA/BRAZIL
AGREEMENT). THIS MAKES IT DIFFICULT TO OPPOSE IT ON
SUBSTANTIVE GROUNDS, AS FAR AS SAFEGUARDS AGREEMENTS
ARE CONCERNED. WHILE WE WILL BE ATTEMPTING TO ELICIT
INTENTIONS OF OTHER BOARD MEMBERS DURING NEXT FEW
DAYS, OUR BEST GUESS AT THIS POINT IS THAT MOST
MEMBERS WOULD WELCOME POSTPONEMENT OF THIS AGREEMENT
TO SOME FUTURE MEETING, BUT IT IS TOO EARLY TO

ATTEMPT TO ASSESS HOW MANY WOULD BE WILLING TO TAKE
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THIS POSITION OPENLY. MISSION WILL CONTINUE TO
REPORT FURTHER DETAILS ON THIS MATTER AS THEY BECOME AVAILABLE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, NUCLEAR SAFEGUARDS, NUCLEAR REACTORS, FISSIONABLE MATERIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976IAEAV01271
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760061-0002
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760240/aaaabixu.tel
Line Count: 256
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 IAEA VIENNA 1075
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 29 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 MAR 2004 by CollinP0>; APPROVED <30 MAR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IAEA BOARD OF GOVERNORS MEETING: IAEA/France/PAKISTAN SAFEGUARDS AGREEMENT
TAGS: TECH, PARM, FR, PK, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006